

# 2

Agricultural  
Clearance

## Examining and Monitoring Cargo

### *Clearing Transiting In-Bond Cargo*

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#### Introduction

The Department of Homeland Security (DHS), Customs and Border Protection-Agriculture Inspection (CBP-AI) and APHIS carefully monitor the movement of imported agricultural commodities during the period of time they are transiting the United States, prior to clearance or re-export, to ensure they are adequately safeguarded and re-exported in the specified timeframe. This section provides guidance, consistency, and general rules for the methods, procedures, documentation and action required to authorize and safeguard the movement of prohibited, restricted and admissible cargo of agriculture interest. The policies described herein apply to foreign plant material subject to Plant Protection and Quarantine (PPQ) regulations when moving through a U.S. port for export, or past the first port of arrival for final action at another location. APHIS issues both import and transit permits for the entry and movement of foreign plant material. Transit permits are issued in accordance with the Code of Federal Regulations Title 7, CFR Part 352. Agricultural shipments moving for Transportation and Exportation or Immediate Export will require an approved APHIS permit and only permits issued from APHIS headquarters are valid. Most shipments moving under Customs bond as Immediate Transportation or Residue Cargo are covered by other authorization mechanisms. USDA-APHIS-NCIE issues transit permits for certain meats.

Refer to the *Animal Product Manual* ([http://www.aphis.usda.gov/ppq/manuals/pdf\\_files/APM%20in%20PDF/02-04-SpecProc.pdf](http://www.aphis.usda.gov/ppq/manuals/pdf_files/APM%20in%20PDF/02-04-SpecProc.pdf)) for further instructions regarding the regulations for movement of animal products, by-products and admissible meats for export.

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## Definitions—Transit Cargo

Definitions of the various types of transit cargo follow:

### **Residue cargo (RC)**

Shipments that remain in the incoming conveyance and move beyond the port of first arrival. The conveyance is cleared at the port of arrival but the RC shipment is cleared at a subsequent location, normally the next port.

### **Immediate Transportation (IT)**

Shipments that enter without clearance at the port of first arrival and move from the port environs to another location for final disposition.

### **Immediate Export (IE)**

Shipments that enter and exit the same port with minimum manipulation and delay, normally exiting within 24 hours.

### **Transportation and Exportation (T&E)**

Shipments that enter through one port and transit overland to exit through another, often requiring transloading and a change of conveyance or both.

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## Authorizing Movement of Residue Cargo (RC)

Residue cargo movement by sea or air may be authorized without a written transit permit if the commodity is not restricted or prohibited, but will need to be inspected at the port of unloading in the U.S. CBP-AI will need to review the documentation and determine admissibility at the port of unloading.



**Important**

Live plants, some tree seeds, some CITES material, and some live insects will need to go to the nearest USDA Plant Inspection Station for clearance.

RC shipments of untreated fruit fly host material, which require a transit permit, must arrive in a leakproof, sealed conveyance or container and remain in the conveyance with the hold or container sealed if moving through tropical or subtropical ports.

Any manipulation of RC cargo is subject to CBP-AI supervision/monitoring and must be authorized by PPQ as far in advance as possible.

Manipulation of RC cargo must be the minimum necessary to expedite onward movement. Removal of the cargo from the conveyance will **not** normally be authorized unless **one** of the following occurs:

- ◆ Removal is absolutely necessary, such as to adjust trim or arrange containers, and **only** for the minimum time necessary (not to exceed 2 hours)
- ◆ Removal is under unusual circumstances, such as equipment problems, weather, etc.

## Authorizing Immediate Transportation (IT) Movement of Cargo

Immediate Transportation cargo movement will be authorized by an APHIS Import Permit with written IT stipulations. National policy and Federal regulations dictate that the inspection of IT cargo is performed at the first port of arrival. However, circumstances may make this clearance impossible.

Call the CBP-AI office at the destination port to inquire if they will accept IT cargo for clearance and use [Table 2-2-1](#).

**TABLE 2-2-1: Determine What to Do with IT Cargo for Clearance**

If the port:	Then:
Accepts IT cargo for clearance	<ol style="list-style-type: none"> <li>1. APPLY any necessary safeguards (e.g., sealing, secure packaging)</li> <li>2. STAMP all pages of CBP entry, "Shipment Authorized, No Diversion Permitted." Do not provide a final release of shipment at first port.</li> <li>3. PROVIDE notification and SEND one copy of CBP entry to the CBP-AI office receiving the cargo</li> </ol>
Does <b>not</b> accept IT cargo for clearance	REGULATE the cargo

If an IT shipment changes carriers but does not clear CBP inspection, then you must assess the pest risk and decide if safeguards are adequate (that pests will not escape) while the off-loaded material is awaiting transshipment. Unless there is a compelling pest risk involved, particularly the likelihood of pest escape while in the port, authorize movement under CBP custody using [Table 2-2-1](#). In authorizing the movement of restricted animal products, those products must be cleared at the first port of arrival only (9 CFR 92, 94, 95, 96).

## Authorizing Movement of Immediate Exportation (IE) Cargo

Immediate exportation (IE) cargo movement requires an APHIS transit permit. IE movement includes movement within the port environs or an area designated by the Port Director to be considered within the control of CBP-AI for that location.

- ◆ IE movement will not be authorized for other than the minimum amount of time and manipulation necessary to expedite onward movement of the shipment. Preferences related to carriers or rates will not be a factor in determining the time or degree of manipulation authorized.
- ◆ Accomplishing IE movement through the transfer of intact sealed containers is preferred. However, the transloading of loose or break-bulk cargo may be authorized if the port is able to monitor. Secure packaging may be required for certain prohibited or restricted commodities.

Shipments that have been refused entry and cannot be treated or are not treated, may be routinely authorized for immediate exportation and need not have a written transit permit but will utilize the Emergency Action Notification (PPQ Form 523) as a record of re-export action.

Refer to [Table 2-2-2](#) for further information.

## Authorizing Movement of Transportation and Exportation (T&E) Cargo

Transportation and Exportation cargo movement requires an APHIS transit permit and are usually not inspected.

- ◆ T&E shipment of admissible articles must enter a CBP-AI staffed port, but may exit any port provided the route is identified as among the quickest and most direct route to the destination.
- ◆ T&E shipments of restricted and prohibited cargo must enter and exit CBP-AI staffed ports except for citrus and avocado shipments authorized under the conditions described in the regulations (7 CFR 352).
- ◆ The use of overland transportation will not be authorized through regions of the United States that are considered high-risk, or susceptible to pest(s). See **Transit Corridors on page 2-2-10**.



Do not allow movement of cargo without a valid permit or PPQ Headquarters authorization.

Refer to [Table 2-2-2](#) for further information.

**TABLE 2-2-2: Determine Whether to Allow Movement of T&E and IE Cargo**

If:	And:	And:	And:	Then:
Precleared	_____ →			1. VERIFY 2. RELEASE
<b>Not</b> precleared	Regulated (including cut flowers, fruits, vegetables, seeds, propagative material, and live insects <sup>1</sup> )	Subject to CITES or ESA <sup>2</sup>	Accompanied by valid CITES documentation	AUTHORIZE movement
			<b>Not</b> accompanied by valid CITES documentation	CONTACT PPQ through appropriate channels
		<b>Not</b> subject to CITES or ESA	_____ →	GO to <b>Table 2-2-3 on page 2-2-5</b>
	<b>Not</b> regulated	_____ →		AUTHORIZE movement

- 1 If the insects are animal disease vectors (for example, sand flies or biting gnats), refer to the Animal Product Manual ( [http://www.aphis.usda.gov/ppq/manuals/pdf\\_files/APM\\_Chapters.htm](http://www.aphis.usda.gov/ppq/manuals/pdf_files/APM_Chapters.htm))
- 2 T&E or IE regulated CITES material other than live plants, such as ramin or mahogany wood, would be handled by the CBP AI office, not the Plant Inspection Station.

**TABLE 2-2-3: Action to Take on Transiting Regulated Products**

If the shipment is:	Then:
Accompanied by a valid USDA-APHIS transit permit or import permit with IT stipulations for the commodity	<ol style="list-style-type: none"> <li>1. Enforce the permit conditions (such as official sealing and monitoring of the commodity or any transloading between conveyances) at the point of arrival.</li> <li>2. Stamp all CBP paperwork and include seal number. Shipment is released for exportation only—no diversion permitted.</li> <li>3. Notify the exit port for certain restricted and prohibited cargoes.</li> <li>4. At the point of unloading or exit, verify arrival/exit and any of the other conditions outlined on the permit, such as verifications of commodity, seal, adherence to routing and submission of appropriate exit documentation. If seals are not intact, refer to <b>Assessing Civil Penalties for Breaking Seals on page 8-1-4.</b></li> <li>5. Confirm exit in the tracking database as needed.</li> <li>6. Follow-up on significant deviations from the conditions of the permit and contact APHIS-PPQ through appropriate channels.</li> </ol>
<b>Not</b> accompanied by a valid transit permit or import permit with IT stipulations for the commodity	<ol style="list-style-type: none"> <li>1. HOLD the shipment until the importer secures a USDA-APHIS permit.</li> <li>2. Provide the requestors with a copy of the application (PPQ Form 586) and announcement, or direct them to the internet site (<a href="http://www.aphis.usda.gov/ppq/permits/transit/">http://www.aphis.usda.gov/ppq/permits/transit/</a>) to download both the application and supplemental information. If they prefer, they may use the toll free telephone number, 1- 877-770-5990 to get information. Fax application submissions to Permit Services, 1-301-734-0572.</li> </ol>

## Transloading

A maximum of one transloading may be allowed in the U.S. if all of the following apply:

- ◆ Port has sufficient resources to handle monitoring
- ◆ CBP-AI has approved a suitable location
- ◆ Cargo is adequately packaged and can be handled in an expeditious manner
- ◆ Receiving container or conveyance is clean, enclosed, and sealable
- ◆ Transloading is required for the most expeditious onward movement of the cargo
- ◆ Cargo is **not** avocados, untreated citrus or mangos from Mexico or Q-37 material

**Citrus, avocado, and mango shipments from Mexico** may be authorized for transloading twice (at both the port of entry and the port of exit) provided transloading is done within the designated corridor and the ports are able to handle monitoring and cleaning.

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## Transit Permit, PPQ Form 597, Responsibilities

A permittee with a valid Transit Permit, PPQ Form 597, is responsible for the following:

- ◆ Ensuring cargo handlers, agents, drivers, and other entities involved with handling transit shipments are aware of the provisions of the permit authorization and are able to comply with such provisions. Failure to do so may result in revocation of the permit and assessed possible penalties.
- ◆ Notifying CBP-AI immediately at the port of arrival of any deviation of the permit provisions.
- ◆ Providing export documentation (air, rail, and sea modes) that the permitted cargo did, in fact, exit the country. In the case of truck movements, the permittee will maintain copies of import documents verifying that the permitted cargo did enter into Canada or Mexico. The permittee will be subject to audits and monitoring.

Carriers of transit material are responsible for the following:

- ◆ Maintaining the integrity of the permitted cargo through the U.S. All carriers involved with the transit of permitted cargo must be U.S. Customs bonded, and upon request of PPQ, provide proof of their U.S. Customs bond and Internal Revenue Service number.
- ◆ Maintaining the seal on the container.
- ◆ Maintaining secure, refrigerated areas for temporary storage of transit cargo, if required.
- ◆ Maintaining routing as dictated in the provisions of the permit.
- ◆ Reporting immediately to CBP- AI any cargo that is off-loaded by mistake or any container, carrying transiting cargo, is broken and needs repair.
- ◆ Providing export or import documentation, in the case of importing into Mexico and Canada, to auditors or monitoring personnel.

Brokers handling transit material on behalf of permittees are responsible for the following:

- ◆ Ensuring cargo handlers, agents, drivers, and other entities involved with handling transit shipments are aware of the provisions of the permit authorization and are able to comply with such provisions.
- ◆ Maintaining a list of all the clients and addresses of such clients involved under the broker's permit.
- ◆ Providing export or import documents, in the case of importing into Mexico and Canada, to auditors or monitoring personnel.

Transit permit applications are available on the APHIS Web site at:

<http://www.aphis.usda.gov/ppq/permits/>

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## Additional Definitions

### **Admissible cargo**

Articles that, based upon their description at or before the time of arrival, can be imported into the U.S. under current plant quarantine regulations, policies, and procedures. Admissible cargo may be subject to treatment or other restrictions, or may become prohibited based upon the results of inspection.

### **Areas considered high-risk**

Regions, areas, locales, or sites where the probability of the establishment of a pest or pests is believed to be relatively high based on the biology of the pest and the environment into which it is introduced.

### **Bulk cargo**

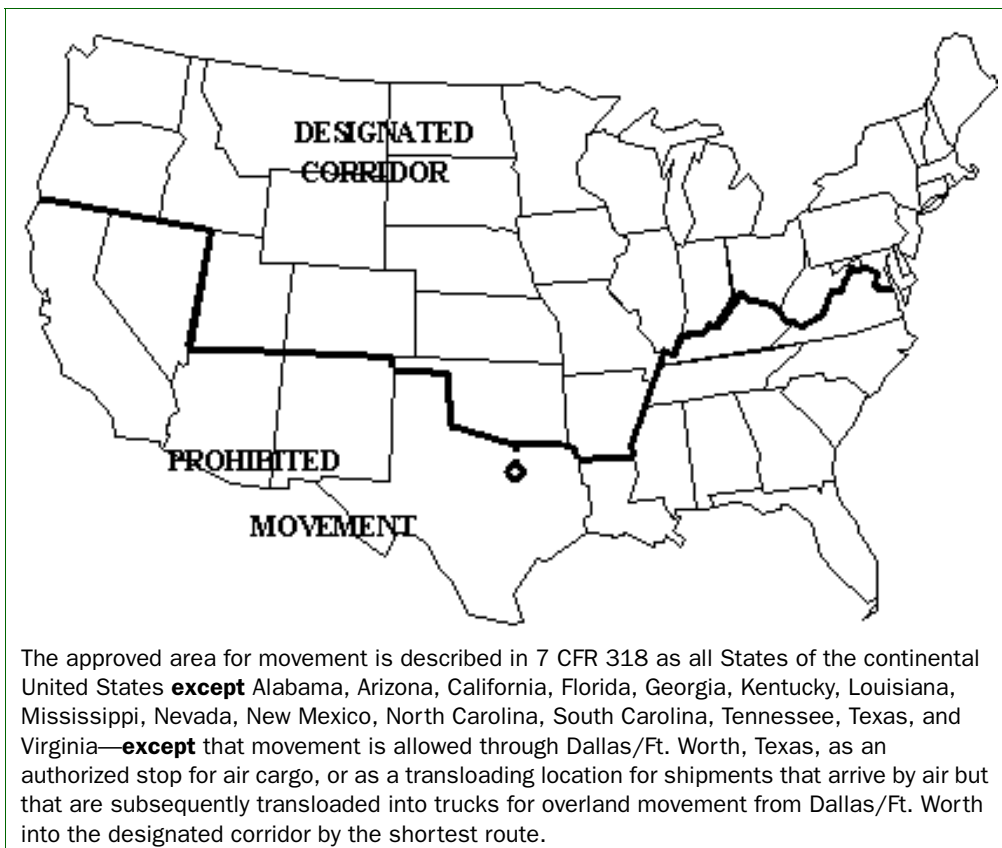
Cargo **not** enclosed in a container.

<b>Commingling</b>	Mixing two or more types of cargo under a single shipping entry, usually in the same conveyance and container. Commodities may be commingled in a shipment (pears and asparagus) or entry types may be commingled (half for U.S. consumption and half for export).
<b>Containerized cargo</b>	Cargo completely enclosed in a durable container that can be sealed and moved without manipulation of the cargo itself. The port of arrival is utilized as the focus for contingency management because it is more likely to have the most information concerning the shipment. However, the port is encouraged to consult Quarantine Policy, Analysis and Support (QPAS) and other PPQ offices, especially those nearest the site of the problem, for guidance and assistance.
<b>Designated corridor</b>	Geographic areas defined by easily recognizable political or other points forming boundaries within which specific activities are authorized.
<b>Designated ports</b>	Ports with Plant Inspection Station responsibilities designated in 7 CFR 319.37-14.
<b>Extenuating circumstances</b>	Unanticipated conditions requiring deviations from prescribed policy in order to adjust safeguarding procedures or prescriptions for unique circumstances.
<b>High-risk pest</b>	A pest requiring quarantine action and believed to have the potential for serious damage to economically important plant resources in the U.S.
<b>Inspection</b>	Plant quarantine inspection equivalent to that provided to shipments offered for entry into the U.S.
<b>Manipulation</b>	Handling cargo. Moving, arranging, loading, packing or unpacking, marking, opening, sampling, etc. Manipulation does <b>not</b> include storing, holding, or transporting cargo.
<b>Monitoring</b>	Supervising on an occasional or sporadic basis to ensure compliance with specified conditions.
<b>Pest-proof packages</b>	Packages that are sufficiently sturdy and durable to prevent the entry or exit of pests of concern or vectors of pathogens of concern. Pest-proof packages may be ventilated, but vents must be covered with mesh or otherwise prevent the entry and exit of pests of concern.
<b>Port environs</b>	The area immediately surrounding a port that has been designated by the Port Director as being under the control of a port office.
<b>Prohibited cargo</b>	Articles that, based upon their description at or before the time of arrival, are not authorized to be imported into the U.S. under current plant quarantine regulations, policies, and procedures.
<b>Routine authorizations</b>	Authorizations that are issued with relative frequency and which have consistently similar or identical conditions.

<b>Secure area (of an airport)</b>	The area surrounding an airport within which access is limited to personnel approved and appropriately identified for specific work within the airport and adjacent properties.
<b>Secure packages</b>	Packages that are sufficiently sturdy and durable to prevent the spillage of contents. Secure packages may be ventilated, but are not loosely constructed or easily damaged under normal conditions.
<b>Shipper</b>	The agent, person, or Agency responsible for causing a package or article to be transported to the United. States. It may be the transport company, owner, or owners agent.
<b>Transfer</b>	To shift cargo from one conveyance to another by moving a container holding the cargo or placing the conveyance itself on another conveyance.
<b>Transit</b>	The movement of regulated cargo into or through the U.S. and its territories without establishing the final disposition at the first port of arrival.
<b>Transloading</b>	Shifting cargo from one conveyance to another by moving the cargo itself, or removing cargo from a conveyance or container and reloading.

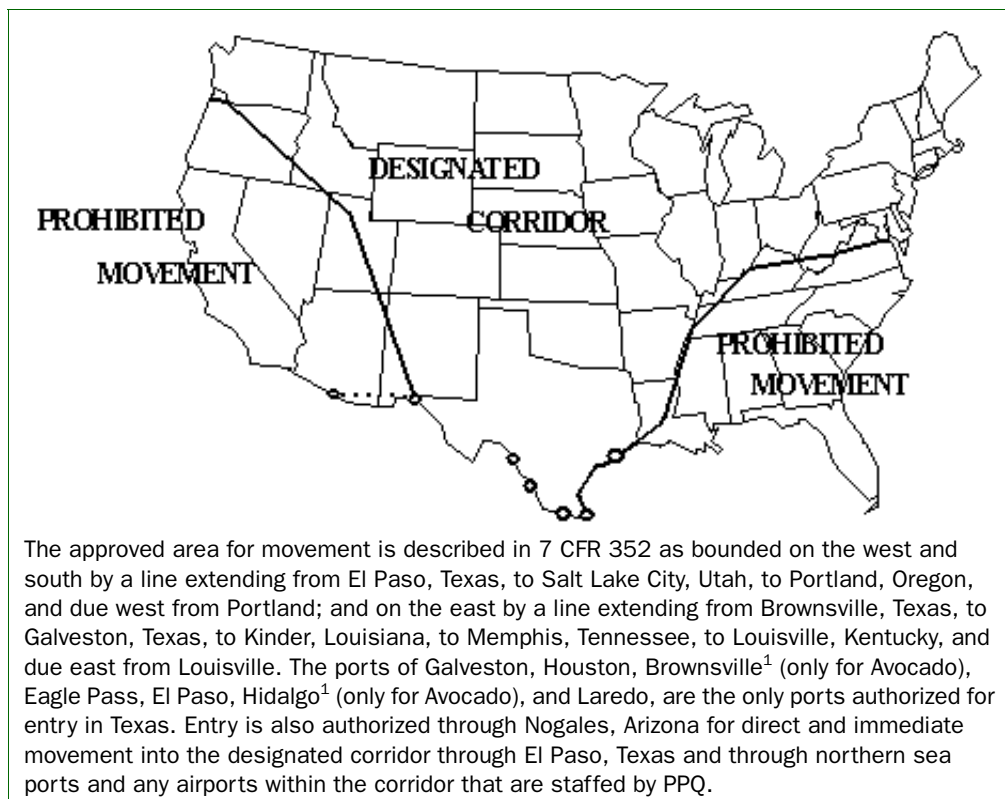
## Transit Corridors

### Transit Corridor for Prohibited Fruits and Vegetables from Hawaii and Puerto Rico



**FIGURE 2-2-1: Designated Transit Corridor for Prohibited Fruits and Vegetables from Hawaii and Puerto Rico**

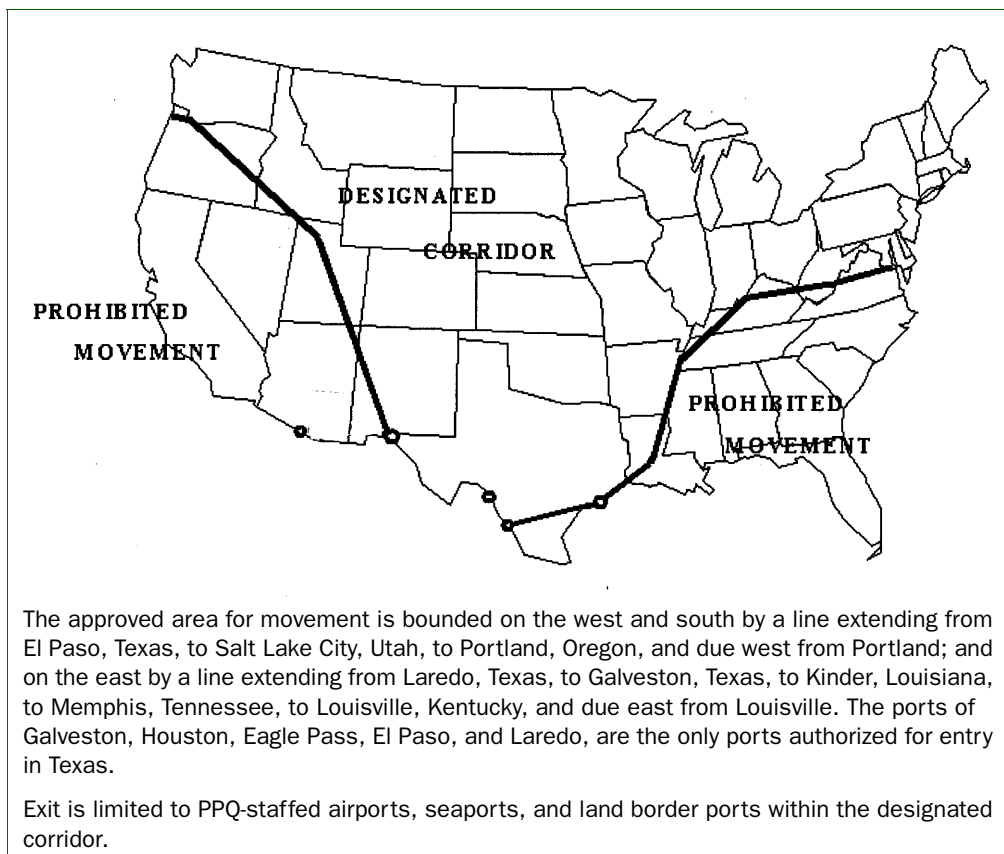
## Transit Corridor for Avocado and Untreated Citrus from Mexico



**FIGURE 2-2-2: Designated Transit Corridor for Avocado and Untreated Citrus from Mexico<sup>1</sup>**

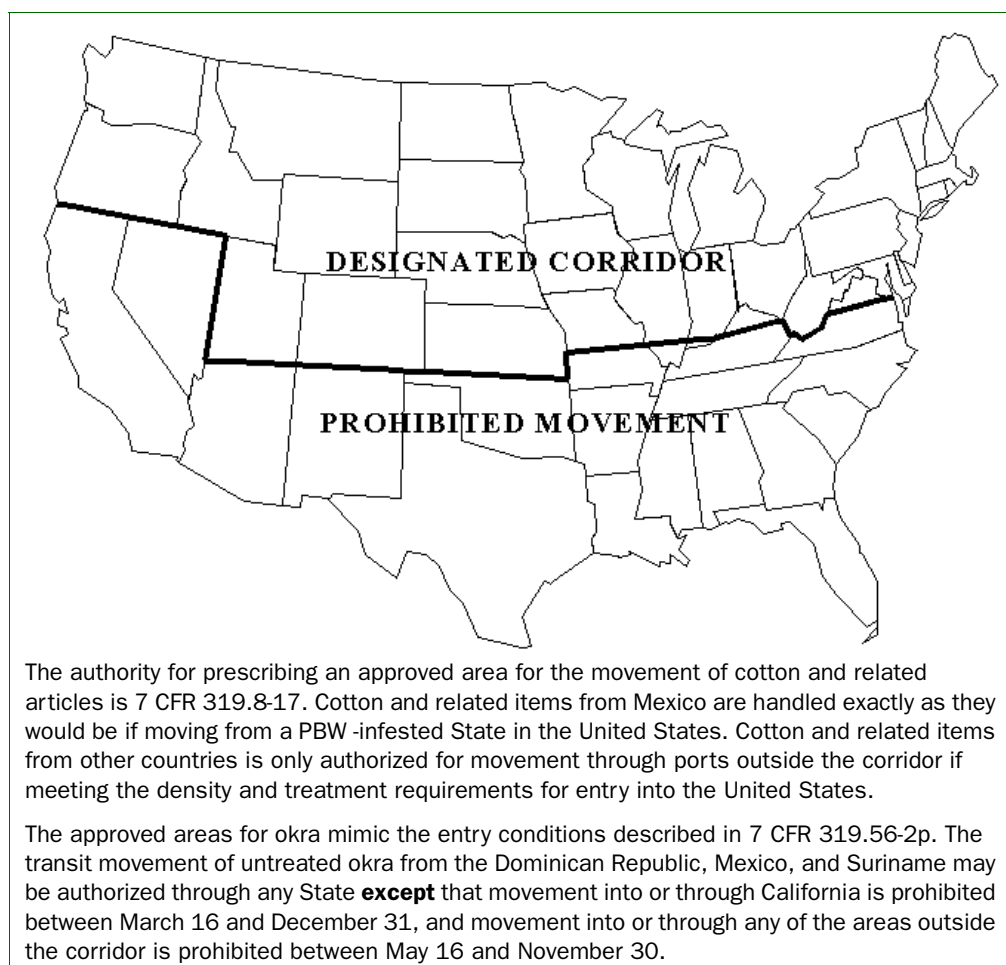
- 1 Brownsville and Hidalgo are located in a citrus-producing area. Therefore, entry of untreated citrus is prohibited into these ports.

## Transit Corridor for Untreated Guavas and Mangos from Mexico



**FIGURE 2-2-3: Designated Transit Corridor for Untreated Guavas and Mangos from Mexico**

## Transit Corridor for Cotton and Okra



**FIGURE 2-2-4: Designated Transit Corridor for Cotton and Okra**

